

ORDINANCE NO. 2016-21

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF VALDOSTA, GEORGIA, AMENDING THE TEXT OF THE CITY OF VALDOSTA LAND DEVELOPMENT REGULATIONS (LDR), PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City of Valdosta has proposed and initiated the request of certain amendments to the City of Valdosta Land Development Regulations (LDR) [File No. VA-2016-13]; and

WHEREAS, official notices have been given and publications have been made pursuant to O.C.G.A. 36-66-4, and Section 242-4 of the City of Valdosta Land Development Regulations (LDR); and

WHEREAS, a public hearing was held by the Greater Lowndes Planning Commission on August 29, 2016, and said Planning Commission has rendered a recommendation to the Mayor and Council of the City of Valdosta; and

WHEREAS, the Mayor and Council of the City of Valdosta has considered this request and the recommendation of the Planning Commission, at a public hearing pursuant to said official notices and publications; and

WHEREAS, Mayor and Council of the City of Valdosta finds the proposed LDR amendments to be consistent with the City's adopted Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Valdosta, Georgia, and it is hereby ordained by the authority of same, that the City of Valdosta Land Development Regulations (LDR) is hereby by amended as follows:

Section 1. LDR Chapter 310 - Stormwater Management, Article 2 - Stormwater Utility, Section 310-77 Establishment of Rates, is hereby amended by deleting sub-Sections (A), (E), and (F) in their entirety and replacing them with new sub-Sections (A), (E), and (F) as follows:

- (A) For the purpose of this Article, a single-family unit (SFU) shall be equivalent to 3,704 square feet of impervious property.
- (E) The SFU monthly stormwater utility multiplier rate shall be applied to residential and non-residential properties at the rate of \$3.50/SFU/month.
- (F) Any changes to the stormwater fee shall be accomplished by the annual adoption of the City's fiscal year budget, or adopted amendment thereto:

Section 2. LDR Chapter 310 - Stormwater Management, Article 2 - Stormwater Utility, Section 310-72 Findings, is hereby amended by deleting sub-Section (A)(13) in its entirety and replacing it with a new sub-Section (A)(13) as follows:

(13) The existence of privately owned and maintained on-site or off-site systems, facilities, activities, or assets which reduce or otherwise mitigate the impact of a particular property on the City's stormwater utilities cost of providing stormwater management services and/or stormwater management systems and facilities should be taken into account to reduce the service charge on that property either in the form of a direct reduction or credit, and such reduction or credit should be conditional upon continuing provision of such services, systems, facilities, activities, or assets in a manner complying with the standards and codes as determined by the City Engineer. Reductions or credits for privately owned and maintained stormwater management systems, facilities, activities, or assets shall be generally proportional to the affect that such systems have on the peak rate of runoff from the property benefited by such systems.

Section 3. LDR Chapter 310 - Stormwater Management, Article 2 - Stormwater Utility, Section 310-73 - Stormwater Utility and Enterprise Fund Established, is hereby amended by deleting sub-Section (C) in its entirety and replacing it with a new sub-Section (C) as follows:

(C) The Mayor and City Council shall place within the City Stormwater Division the responsibility for operation, maintenance and regulation of the existing stormwater management services, systems, and facilities previously performed, owned, and operated or maintained by the City, and other related assets, including but not limited to, properties, other than road rights-of-way, upon which such stormwater management systems and facilities are located, easements, rights-of-entry and access and certain equipment used solely for stormwater management. This responsibility shall be placed with the City Stormwater Division as the Mayor and City Council has determined that the City Stormwater Division has been sufficiently organized, staffed, and funded to adequately carry out such responsibilities. The Mayor and City Council shall determine which Department of the City's governing body organization to place the stormwater utility in, and the Mayor and City Council can move the stormwater utility to other Divisions and/or Departments from time to time as it sees fit.

Section 4. LDR Chapter 310 - Stormwater Management, Article 2 - Stormwater Utility, Section 310-77 Establishment of Rates, is hereby amended by deleting sub-Sections (B), (G), and (I) in their entirety and replacing them with new sub-Sections (B), (G), and (I) as follows:

(B) The City Engineer and/or his designee shall be responsible for determining the impervious area and other required information for each property in the City based on the best available information, including, but not limited to, data supplied by the Board of Assessors, aerial photography, the property owner, developer or other method as may be required.

(G) For new single-family detached residences, new non-single-family detached residential properties, and newly developed non-residential properties, the stormwater fee attributable to those properties shall commence upon the earlier of the following:

- (1) The issuance of a permanent water meter.
- (2) If no water-meter is issued for the development or if development has halted, on the date the City Engineer and/or designee determines in reasonable judgment that the development is substantially complete or has been halted for at least three months.

(I) Any owner or occupant of a property aggrieved by the City Engineer and/or designee's calculation of the stormwater fee as provided in this Article may appeal such a determination to the City Engineer as provided for in Section 310-83 of this article.

Section 5. LDR Chapter 310 - Stormwater Management, Article 2 - Stormwater Utility, Section 310-81 - Stormwater Fee Exemptions and Credits, is hereby amended by deleting sub-Sections (E), (F), and (J) in their entirety and replacing them with new sub-Sections (E), (F), and (J) as follows:

(E) In order to obtain a credit, the property owner must make application to the City Engineer and/or designee on forms found within the City's Stormwater Utility Policies and Procedures Manual.

(F) When an application for a credit is deemed complete by the City Engineer and/or designee, they shall issue a decision granting the credit in whole or in part, or denying the credit within 90 calendar days thereafter.

(J) Property owners with NPDES permits, however, must submit the report prescribed in the NPDES permit to the City Engineer and/or designee to continue to receive the credit from the City associated with the NPDES permit.

Section 6. LDR Chapter 310 - Stormwater Management, Article 2 - Stormwater Utility, Section 310-82 - Stormwater Service Charge Billing, Delinquencies, and Collections, is hereby amended by deleting sub-Section (C) in its entirety and replacing it with new sub-Sections (C) as follows:

(C) In Adjustments. The City Engineer and/or designee shall develop and administer the procedures and standards for the adjustment of the stormwater service charge.

(1) Property owners may seek an adjustment of the stormwater service charge allocated to a property at any time by submitting the request in writing to the City Engineer and/or designee and setting forth in detail the grounds upon which relief is sought.

(2) Property owners requesting the adjustment may be required, at their own expense, to provide supplemental information to the City Engineer and/or designee, including, but not limited to, survey and customer account data provided and certified by a registered land surveyor or a professional engineer. Failure to provide such information within the time limits established by the City Engineer and/or designee, as may be reasonably extended, may result in denial of the adjustment request.

(3) Once a completed adjustment request and all required information are received by the City Engineer and/or designee, the City Engineer and/or designee shall have 90 calendar days within which to render a written decision. Concurrent payment of any charges allocated to the property is not required as a condition precedent to this request for review.

(4) In considering an adjustment request, the City Engineer and/or designee shall consider whether the calculation of the stormwater service charge for the property is correct.

(5) The City Engineer and/or designee's decision shall be in writing and will be mailed to the address provided on the adjustment request, and service shall be complete upon mailing.

(6) If the result of an adjustment is that a refund is due the applicant, the refund will be applied as a credit on the applicant's next stormwater bill.


(7) The decision of the City Engineer and/or designee is final unless the property owner appeals the decision in accordance with Section 310-83.

Section 7. All Ordinances or parts of Ordinances, in conflict herewith, are to the extent of such conflict hereby repealed.

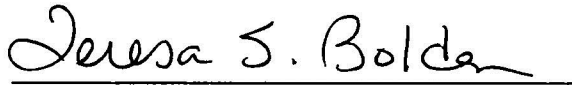
Section 8. If any word, phrase, section, or other portion of this Ordinance is declared or adjudged to be invalid or unconstitutional by any Court of competent jurisdiction, then such declaration or adjudication shall not affect the remaining words, phrases, sections, or other portions of this Ordinance, which shall remain of full force and effect as if such word, phrase, section or other portion so declared or adjudged invalid or unconstitutional were not originally a part of this Ordinance. It is hereby declared to be the intent of the Mayor and Council of the City of Valdosta, Georgia, to provide for separate and devisable parts, and to this end the provisions of this Ordinance are declared severable. Said Mayor and Council hereby declares that it would have still enacted the remaining words, phrases, sections, or other portions of this Ordinance that are not so declared or adjudged to be invalid or unconstitutional.

Section 9. This Ordinance shall become effective immediately upon passage.

Duly passed and adopted by the Mayor and Council of the City of Valdosta, Georgia, this 8th day of September, 2016.

Mayor 

ATTEST:


Clerk of Council